

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
BRONX COUNTY

Date Filed:
Index No.:

===== X
ADALBERTO GOMEZ,

SUMMONS

Plaintiff,

Plaintiff designates
Bronx County
as place of trial

-against-

C & S WHOLESALE GROCERS, INC. and
THE STOP & SHOP SUPERMARKET COMPANY LLC,

The basis of the venue is:
Situs of Occurrence

Defendants.

===== X
To the above named defendants:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, to, if the complaint is not served with the summons, to serve a notice of appearance, on the plaintiff's attorneys within twenty (20) days after the service of this summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated: New York, New York
February 11, 2021

The nature of this action is for injuries sustained as a result of the defendants' negligence.
The relief sought is monetary damages.

ELEFTERAKIS, ELEFTERAKIS & PANEK



BY: NICHOLAS ELEFTERAKIS, ESQ.
Attorneys for Plaintiff
80 Pine Street, 38th Floor
New York, N.Y. 10005
(212) 532-1116

Failure to respond, a judgment will be against you, by default and interest from May 5, 2020.

Defendants:

C & S WHOLESALE GROCERS, INC.
C T CORPORATION SYSTEM
28 LIBERTY ST.
NEW YORK, NEW YORK 10005

FILED: BRONX COUNTY CLERK 02/11/2021 05:39 PM

INDEX NO. 802026/2021E

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 02/11/2021

C & S WHOLESALE GROCERS, INC.
RICHARD B COHEN
7 CORPORATE DR
KEENE, NEW HAMPSHIRE 03431

THE STOP & SHOP SUPERMARKET LLC
c/o CORPORATION SERVICE COMPANY
80 STATE STREET
ALBANY, NEW YORK 12207-2543

SUPREME COURT OF THE STATE OF NEW YORK
BRONX COUNTY

Date Filed:
Index No.:

=====X
ADALBERTO GOMEZ,

Plaintiff,

VERIFIED COMPLAINT

-against-

C & S WHOLESALE GROCERS, INC. and
THE STOP & SHOP SUPERMARKET COMPANY LLC,

Defendants.

=====X

Plaintiff, by his attorneys, ELEFTERAKIS, ELEFTERAKIS & PANEK, as and for his

Verified Complaint, respectfully alleges, upon information and belief:

1. The plaintiff, ADALBERTO GOMEZ, at all times herein mentioned was a resident of the State of New York.
2. That at all the times hereinafter alleged, and upon information and belief, Defendant, C & S WHOLESALE GROCERS, INC., was and still is a domestic corporation organized and existing under and by virtue of the laws of the State of New York.
3. That at all the times hereinafter alleged, and upon information and belief, Defendant, C & S WHOLESALE GROCERS, INC., was and still is a foreign corporation authorized to do business under and by virtue of the laws of the State of New York.
4. That at all of the times hereinafter mentioned, and upon information and belief, Defendant, C & S WHOLESALE GROCERS, INC., maintained a principal place of business in the State of New York.
5. That at all of the times hereinafter mentioned, and upon information and belief, Defendant, C & S WHOLESALE GROCERS, INC., conducted and carried on business in the State of New York.

6. That at all of the times hereinafter mentioned, and upon information and belief, Defendant, **C & S WHOLESALE GROCERS, INC.**, transacted business within the State of New York.
7. That at all of the times hereinafter mentioned, and upon information and belief, Defendant, **C & S WHOLESALE GROCERS, INC.**, derived substantial revenue from goods used or consumed or services rendered in the State of New York.
8. That at all of the times hereinafter mentioned, and upon information and belief, Defendant, **C & S WHOLESALE GROCERS, INC.**, expected or should have reasonably expected its acts to have consequences in the State of New York.
9. That at all the times hereinafter alleged, and upon information and belief, Defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, was and still is a domestic corporation organized and existing under and by virtue of the laws of the State of New York.
10. That at all the times hereinafter alleged, and upon information and belief, Defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, was and still is a foreign corporation authorized to do business under and by virtue of the laws of the State of New York.
11. That at all of the times hereinafter mentioned, and upon information and belief, Defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, maintained a principal place of business in the State of New York.
12. That at all of the times hereinafter mentioned, and upon information and belief, Defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, conducted and carried on business in the State of New York.
13. That at all of the times hereinafter mentioned, and upon information and belief, Defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, transacted business within the State of New York.

14. That at all of the times hereinafter mentioned, and upon information and belief, Defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, derived substantial revenue from goods used or consumed or services rendered in the State of New York.
15. That at all of the times hereinafter mentioned, and upon information and belief, Defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, expected or should have reasonably expected its acts to have consequences in the State of New York.
16. That at all the times hereinafter alleged, and upon information and belief, the defendant, **C & S WHOLESALE GROCERS, INC.**, owned the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
17. That at all the times hereinafter alleged, and upon information and belief, the defendant, **C & S WHOLESALE GROCERS, INC.**, owned the machinery/pallet jack at the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
18. That at all the times hereinafter alleged, and upon information and belief, the defendant, **C & S WHOLESALE GROCERS, INC.**, was a lessee of the premises known as Stop & Shop located 961 East 174th Street in Bronx County, State of New York.
19. That at all the times hereinafter alleged, and upon information and belief, the defendant, **C & S WHOLESALE GROCERS, INC.**, was a lessor of the premises known as Stop & Shop located 961 East 174th Street in Bronx County, State of New York.
20. That at all the times hereinafter alleged, and upon information and belief, the defendant, **C & S WHOLESALE GROCERS, INC.**, managed the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
21. That at all the times hereinafter alleged, and upon information and belief, the defendant, **C & S WHOLESALE GROCERS, INC.**, maintained the premises known as Stop & Shop

located at 961 East 174th Street in Bronx County, State of New York.

22. That at all the times hereinafter alleged, and upon information and belief, the defendant, **C & S WHOLESALE GROCERS, INC.**, maintained the machinery/pallet jack at the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
23. That at all the times hereinafter alleged, and upon information and belief, the defendant, **C & S WHOLESALE GROCERS, INC.**, controlled the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
24. That at all the times hereinafter alleged, and upon information and belief, the defendant, **C & S WHOLESALE GROCERS, INC.**, controlled the machinery/pallet jack at the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
25. That at all the times hereinafter alleged, and upon information and belief, the defendant, **C & S WHOLESALE GROCERS, INC.**, operated the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
26. That at all the times hereinafter alleged, and upon information and belief, the defendant, **C & S WHOLESALE GROCERS, INC.**, operated the machinery/pallet jack at the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
27. That at all the times hereinafter alleged, and upon information and belief, the defendant, **C & S WHOLESALE GROCERS, INC.**, supervised the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
28. That at all the times hereinafter alleged, and upon information and belief, the defendant, **C & S WHOLESALE GROCERS, INC.**, supervised the machinery/pallet jack at the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
29. That at all the times hereinafter alleged, and upon information and belief, the defendant, **THE**

STOP & SHOP SUPERMARKET COMPANY LLC, owned the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.

30. That at all the times hereinafter alleged, and upon information and belief, the defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, owned the machinery/pallet jack at the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
31. That at all the times hereinafter alleged, and upon information and belief, the defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, was a lessee of the premises known as Stop & Shop located 961 East 174th Street in Bronx County, State of New York.
32. That at all the times hereinafter alleged, and upon information and belief, the defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, was a lessor of the premises known as Stop & Shop located 961 East 174th Street in Bronx County, State of New York.
33. That at all the times hereinafter alleged, and upon information and belief, the defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, managed the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
34. That at all the times hereinafter alleged, and upon information and belief, the defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, maintained the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
35. That at all the times hereinafter alleged, and upon information and belief, the defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, maintained the machinery/pallet jack at the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.
36. That at all the times hereinafter alleged, and upon information and belief, the defendant, **THE**

STOP & SHOP SUPERMARKET COMPANY LLC, controlled the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.

37. That at all the times hereinafter alleged, and upon information and belief, the defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, controlled the machinery/pallet jack at the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.

38. That at all the times hereinafter alleged, and upon information and belief, the defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, operated the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.

39. That at all the times hereinafter alleged, and upon information and belief, the defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, operated the machinery/pallet jack at the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.

40. That at all the times hereinafter alleged, and upon information and belief, the defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, supervised the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.

41. That at all the times hereinafter alleged, and upon information and belief, the defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC**, supervised the machinery/pallet jack at the premises known as Stop & Shop located at 961 East 174th Street in Bronx County, State of New York.

42. That on or about May 5, 2020, the plaintiff, **ADALBERTO GOMEZ**, was on the aforesaid premises.

43. That on or about May 5, 2020, while the plaintiff, **ADALBERTO GOMEZ**, was on the

aforesaid premises, he was caused to trip and fall by reason of the aforesaid machinery/pallet jack, and the defendants causing and creating a dangerous and hazardous condition.

44. That the aforesaid accident and the injuries resulting therefrom were due solely and wholly as a result of the careless and negligent manner in that the defendants owned, operated, maintained, managed and controlled the aforesaid premises and/or machinery/pallet jack, without the plaintiff in any way contributing thereto.
45. That the defendants herein were negligent, reckless and careless in that they violated their duties to persons on the aforesaid premises and to this plaintiff in particular, in knowingly permitting, suffering and allowing the aforesaid to be, become and remain in a defective, unsafe and dangerous condition; and were further negligent in failing to take suitable precautions for the safety of persons lawfully on the aforesaid premises.
46. That by reason of the foregoing and the negligence of the defendants, the plaintiff, **ADALBERTO GOMEZ**, was severely injured, bruised and wounded, suffered, still suffers and will continue to suffer for some time physical pain and bodily injuries and became sick, sore, lame and disabled and so remained for a considerable length of time.
47. That by reason of the foregoing, the plaintiff, **ADALBERTO GOMEZ**, was compelled to and did necessarily require medical aid and attention, and did necessarily pay and become liable therefore for medicines and upon information and belief, the plaintiff, **ADALBERTO GOMEZ**, will necessarily incur similar expenses.
48. That by reason of the foregoing, the plaintiff, **ADALBERTO GOMEZ**, has been unable to attend to his usual occupation in the manner required.
49. That one or more of the exceptions of §1602 of the Civil Practice Law and Rules do apply to the within action.

50. That as a result of the foregoing, the plaintiff, **ADALBERTO GOMEZ**, sustained damages in an amount which exceeds the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction herein, in an amount to be determined upon trial of this action.

WHEREFORE, Plaintiff demands the following judgment against the defendants for an amount which exceeds the jurisdictional limits of all other Courts which would otherwise have jurisdiction herein, in an amount to be determined upon trial of this action, together with costs and disbursements of this action, and with interest from the date of the accident. Plaintiff demands a jury trial.

Dated: New York, New York
February 11, 2021

Yours, etc.
ELEFTERAKIS, ELEFTERAKIS & PANEK

By: 

Nicholas Elefterakis, Esq.
Attorneys for Plaintiff
80 Pine Street, 38th Floor
New York, New York 10005
(212)532-1116

ATTORNEY'S VERIFICATION

STATE OF NEW YORK)
)
 COUNTY OF NEW YORK) SS:

The undersigned, an attorney admitted to practice in the Courts of the State of New York, and an associate of the law firm of Elefterakis, Elefterakis, & Panek attorneys of record for the claimant herein, affirms:

That he has read the attached SUMMONS AND COMPLAINT and the same is true to his own knowledge, except as to the matters alleged on information and belief, and as to those matters, he believes them to be true to the best of his knowledge.

That affirmant's sources of information are investigation and files maintained in your affirmant's law office.

That this verification is made by your affirmant due to the fact that claimant does not presently reside within the county in which your affirmant maintains his law office, or is presently outside the county in which your affirmant maintains his law office.

The undersigned affirms that the foregoing statements are true, under penalties of perjury.

Dated: New York, New York
 February 11, 2021



Nicholas Elefterakis, Esq.

**SUPREME COURT OF THE STATE OF NEW YORK
BRONX COUNTY**

ADALBERTO GOMEZ,

Plaintiff,

-against-

C & S WHOLESALE GROCERS, INC. and THE STOP & SHOP SUPERMARKET COMPANY
LLC,

Defendants.

ELEFTERAKIS, ELEFTERAKIS & PANEK
80 Pine Street, 38th Floor
New York, New York 10005
212.532.1116

Summons and Verified Complaint

STATE OF NEW YORK, COUNTY OF NEW YORK, SS:

Nicholas Elefterakis, the undersigned, an attorney admitted to practice in the Courts of New
York State, affirms the following:

I further certify that my signature below acts as a "certification" for the documents attached
hereto, in compliance with section 130-1.1-a of the Rules of the Chief Administrator (22
NYCRR).

Dated: New York, New York
February 11, 2021



Nicholas Elefterakis, Esq.

PLEASE TAKE NOTICE

() that the within is a (certified) true copy of a Notice of entered in the Office of
the clerk of the within Entry named Court on

() that an Order of which the within is a true copy will be presented for
Notice of settlement to the Hon. one of the Judges of the Settlement within named Court, on
, at

ELEFTERAKIS, ELEFTERAKIS & PANEK
80 Pine Street, 38th Floor
New York, New York 10005
212.532.1116